

**EXTENSION NOTICE FOR
HYPERION ENERGY CENTER'S
PREVENTION OF SIGNIFICANT DETERIORATION PRE-CONSTRUCTION
AIR QUALITY PERMIT APPLICATION AND DRAFT PERMIT
AND
MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY APPROVAL**

On September 11 and 12, 2008, the South Dakota Department of Environment and Natural Resources (DENR) published in several newspapers in southeastern South Dakota and one newspaper in Sioux City, Iowa the start of a 30-day comment period for Hyperion's draft Prevention of Significant Deterioration pre-construction air quality permit. After receiving several requests to extend the 30-day comment period, DENR is extending the comment period until November 14, 2008, for all interested parties and the public.

To ensure DENR has adequate time to respond to everyone's comments within the 30-day time frame established in state rules, we ask that everyone submit their comments as soon as possible. Under this extension, DENR must receive all comments in its office by close of business on November 14, 2008.

Hyperion has proposed to construct and operate the Hyperion Energy Center. The Hyperion Energy Center will consist of a petroleum refinery and an integrated gasification combined cycle power plant. The proposed Hyperion Energy Center will process on average 400,000 barrels per day of crude oil.

DENR's review of this facility indicates Hyperion can construct and operate in compliance with the state and federal air quality requirements established to protect public health and the environment. Therefore, DENR drafted a Prevention of Significant Deterioration air quality permit with conditions to ensure compliance with the state Air Pollution Control Act - SDCL 34A-1 and the federal Clean Air Act. Any person desiring to comment on DENR's draft permit must submit written comments to the address below:

Department of Environment and Natural Resources
Division of Environmental Services
523 East Capitol, Joe Foss Building
Pierre, SD 57501

Copies of DENR's draft permit, DENR's statement of basis, and Hyperion's application are available at the above address or by contacting Kyrik Rombough, Natural Resources Engineering Director, at the same address or by telephone at (605) 773-3151. Copies are also available on DENR's air quality website at <http://www.state.sd.us/denr/DES/AirQuality/aapubnot.htm>. Copies of the complete Hyperion air quality permit file are available at the above address or at:

1. DENR's Hyperion website - <http://www.state.sd.us/denr/hyperion.htm>; and
2. DENR's Geological Survey Program
Akeley-Lawrence Science Center, University of South Dakota
414 East Clark
Vermillion, SD 57069-2390

Any person desiring to contest the issuance of this permit and have a contested case hearing in front of the Board of Minerals and Environment must file a petition which complies with ARSD 74:09:01:01. This petition must be filed by November 14, 2008, or if that person submits comments on DENR's draft permit pursuant to the paragraph above, within 30 days of receiving notice of DENR's final permit decision. If a petition for a contested case hearing is received, DENR will schedule this matter for a contested case hearing before the Board of Minerals and Environment.



Steven M Pirner, Secretary

Department of Environment and Natural Resources